

HOUSE BILL No. 1362

DIGEST OF INTRODUCED BILL

Citations Affected: IC 16-21-9-10; IC 16-22-3-9.

Synopsis: Nonprofit and county hospitals. Requires a: (1) nonprofit hospital; and (2) county hospital; to be certified Medicaid providers and participate in the state Medicaid program. Requires specified physicians of these hospitals to apply to be Medicaid providers, and if approved, provide covered Medicaid services for Medicaid recipients.

Effective: July 1, 2008.

Brown C

January 16, 2008, read first time and referred to Committee on Public Health.

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Introduced

Second Regular Session 115th General Assembly (2008)

PRINTING CODE. Amendments: Whenever an existing statute (or a section of the Indiana Constitution) is being amended, the text of the existing provision will appear in this style type, additions will appear in **this style type**, and deletions will appear in ~~this style type~~.

Additions: Whenever a new statutory provision is being enacted (or a new constitutional provision adopted), the text of the new provision will appear in **this style type**. Also, the word **NEW** will appear in that style type in the introductory clause of each SECTION that adds a new provision to the Indiana Code or the Indiana Constitution.

Conflict reconciliation: Text in a statute in *this style type* or ~~this style type~~ reconciles conflicts between statutes enacted by the 2007 Regular Session of the General Assembly.

HOUSE BILL No. 1362

A BILL FOR AN ACT to amend the Indiana Code concerning health.

Be it enacted by the General Assembly of the State of Indiana:

1 SECTION 1. IC 16-21-9-10 IS ADDED TO THE INDIANA CODE
2 AS A **NEW** SECTION TO READ AS FOLLOWS [EFFECTIVE JULY
3 1, 2008]: **Sec. 10. (a) This section applies to a physician licensed**
4 **under IC 25-22.5 who:**

5 (1) **is employed by:**

6 (A) **a nonprofit hospital; or**

7 (B) **an entity affiliated with, controlled by, or managed by**
8 **a nonprofit hospital; or**

9 (2) **provides services under a contract with:**

10 (A) **a nonprofit hospital; or**

11 (B) **an entity affiliated with, controlled by, or managed by**
12 **a nonprofit hospital.**

13 (b) **A nonprofit hospital must be certified as a Medicaid**
14 **provider and participate in the state Medicaid program (IC 12-15).**

15 (c) **A physician described in subsection (a) shall:**

16 (1) **apply to the office of Medicaid policy and planning to be**
17 **a Medicaid provider; and**

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(2) if approved under subdivision (1), provide Medicaid covered health care services to Medicaid recipients.

This subsection does not require a physician to provide care outside the physician's medical specialty.

SECTION 2. IC 16-22-3-9 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2008]: Sec. 9. (a) The governing board may determine appointments and reappointments to the medical staff and delineate privileges of the members of the medical staff.

(b) All licensed physicians are eligible for membership on the medical staff of the hospital, but the board may establish and enforce reasonable standards and rules concerning the qualifications for the following:

- (1) Admission to the medical staff.
- (2) Practice in the hospital.
- (3) Retention of membership.
- (4) The granting of medical staff privileges within the hospital.

(c) The standards and rules described in subsection (b) may not discriminate against a licensed physician of any school of medicine but may, in the interest of good patient care, consider the applicant's postgraduate medical education, training, experience, and other facts concerning the applicant that may affect the physician's professional competence. The rules may include a requirement for the following:

- (1) The submission of proof that a medical staff member has qualified as a health care provider under IC 16-18-2-163.
- (2) The performance of patient care and related duties in a manner that is not disruptive to the delivery of quality medical care in the hospital setting.
- (3) Standards of quality medical care that recognize the efficient and effective utilization of hospital resources as developed by the medical staff.

(d) A county hospital must be certified as a Medicaid provider and participate in the state Medicaid program (IC 12-15).

(e) A physician licensed under IC 25-22.5 who:

- (1) is employed by:**
 - (A) a county hospital; or**
 - (B) an entity affiliated with, controlled by, or managed by a county hospital; or**
- (2) provides services under a contract with:**
 - (A) a county hospital; or**
 - (B) an entity affiliated with, controlled by, or managed by a county hospital.**

shall apply to the office of Medicaid policy and planning to be a

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1 **Medicaid provider and, if approved, provide Medicaid covered**
2 **health care services to Medicaid recipients. This subsection does**
3 **not require a physician to provide care outside the physician's**
4 **medical specialty.**

5 ~~(d)~~ **(f)** The medical staff shall originate and the board must approve
6 bylaws and rules for self-government. The bylaws must provide for a
7 hearing for a physician whose medical staff membership the medical
8 staff has recommended for termination.

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